

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, *ex rel*
CHRIS McGOWAN,

Plaintiff,

v.

KAISER FOUNDATION HEALTH PLAN,

Defendant.

No. C 09-05984 JSW

**ORDER REGARDING
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF PLAINTIFF'S
MOTION FOR LEAVE TO FILE
RESPONSE TO UNITED STATES'
STATEMENT OF INTEREST AND
ORDER TO SHOW CAUSE**

(Docket No. 142)

On May 30, 2014, Plaintiff filed a motion to file under seal portions of Plaintiff's motion for leave to file a response to the United States' statement of interest. (Docket No. 142.) The documents in question were designated as "Confidential" by Defendant. Pursuant to Northern District Civil Local Rule 79-5(e)(1), Defendant was required to file a declaration establishing that the portions of Plaintiff's submission were sealable. Defendant has not filed such a declaration. However, the Court shall not make a final ruling on that motion until it has received the parties' response to this Order.

The parties have filed a number of other administrative motions to file documents, submitted in connection the briefing on Defendant's motion for summary judgment, under seal. The Court granted those motions, but it reserved the right to revisit those rulings. The Ninth Circuit has held that a party must show "compelling reasons" in order to "maintain the secrecy of documents attached to dispositive motions." *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006).

1 Defendant is HEREBY ORDERED TO SHOW CAUSE why the Court should not lift
2 the seal on those portions of the briefing and evidentiary submissions that have been filed under
3 seal in connection with the motion for summary judgment. Defendant must show “compelling
4 reasons” for each an every document or portion of a brief that has been filed under seal.
5 *Kamakana*, 447 F.3d at 1180.

6 Defendant’s response to this Order to Show Cause shall be due by no later than June 23,
7 2014.

8 **IT IS SO ORDERED.**

9 Dated: June 9, 2014



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE